

Message Text

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EXDIS FOR DEP ASST SECY OAKLEY FROM GLEYSTEEN

FOLLOWING REPEAT MANILA 561 ACTION SECSTATE INFO SECDEF JCS CINCPAC
CINCPACAF CINCPACFLT 13TH AF CLARK CINCPACREPPHIL JAN 11.

QUOTE SECRET MANILA 561

EXDIS

MILITARY ADDRESSEES HANDLE AS SPECAT ESXCLUSIVE

E.O. 11652: GDS
TAGS: MARR, RP
SUBJECT: PHILIPPINES BASE DISCUSSIONS JANUARY 8-10

REF: MANILA 483

1. SUMMARY. THE FOLLOWING IS A MORE COMPLETE AVMOUNT OF THE
SERIES OF MEETINGS DESCRIBED REFTEL. STATUS OF
ISSUES UD AS FOLLOWS:

(1) ISSUES ALREADY DECIDED:

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A. DURATION
B. DELIMITATION OF CLARK EXCEPT FOR CROW
VALLEY
C. SUBIC EXCEPT FOR WATERS AND WATERSHED
D. SEPARATE EXCHANGES ON VOA AND STATE
DEPARTMENT COMMUNICATIONS

(2) ISSUES NOT YET RESOLVED:

A. DELIMITATION OF BASE AREAS INCLUDING:

(1) SUBIC WATERS INCLUDING GRANDE ISLAND

(2) WATERSHED MANAGEMENT AT SUBIC

(3) DUTIES OF PHILIPPINE BASE COMMANDERS

(4) PL

IS FOR JOHN HAY, WALLACE AND SAN MIGUES

(5) CROW VALLEY

B. BASE AREA PERIMETER SECURITY ARRANGEMENT
INCLUDING COMPENSATION.

C. GENERAL INDICATION OF FULL FAITH EFFORT ON
BROADER COMPENSATION.

(3) THE QUESTION OF CRIMINAL JURISDICTION WILL BE
SET ASIDE. END SUMMARY.

2. HOLBROOKES AND NEWSOMS MET WITH PRESIDENT AND MRS.
MARCOS INFORMALLY AT MALACANANG THE EVENING OF JANUARY

8. MARCOS ADVISED THE GOP HAD SIGNED AGREEMENT WITH
VISITCPG VIETNAMESE NGUYEN DUY TRINH THAT ANY DISPUTES
(E.G. SPRATLEYS) WOULD BE SETTLED PEACEFULLY. HOLBROOKE
DESCRIBED THE STATE OF US-VIETNAMESE RELATIONS AND REVIEWED
STATUS OF VARIOUS PLANNED AND PROPOSED VISION BY
US OFFICIALS TO PHILIPPINES. THEY AGREED TO BEGIN
SUBSTANTIVE TALKS FOLLOWING MORNING WITH PRIVATE SESSION
BEFORE MEETING IN LARGER GROUP.

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3. HOLBROOKE AND NEWSOM BEGAN TALKS WITH MARCOS,
ENRILE, ROMULO, ESPINO AND ROLUALDEZ ON JANUARY 9,
ESPINO AND ROMUALDEZ LEFT MEETING AFTER SOME PRELIMINARY
DISCUSSION OF GOP ACCOMPLISHMENTS DURING VIETNAMESE VISIT.
HOLBROOKE THEN EXPRESSED DISAPPOINTMENT THAT MORE PROGRESS
ON BASES HAD NOT BEEN MADE SINCE HIS SEPTEMBER VISIT AND
THE OCTOBER TALKS IN NEW YORK. HE NOTED NEED FOR
PHILIPPINE VIEWS ON ISSUES ON WHICH US HAD ALREADY
TABLED POSITIONS AND ON IDENTITY OF OTHER ISSUES IF
WE ARE TO REACH UNDERSTANDING IN 1978, SPECIFICALLY:

(1) EQUIPMENT LIST: U.S. PROPOSES THAT WE
STUDY EQUIPMENT LIST (DESCRIBED AS LONG AND CONTAINING
PROHIBITED ITEMS) AND PICK OUT THOSE ELEMENTS CONSISTENT
WITH CARTER LETTER TO MARCOS. THE TEAM, WHICH WOULD
COME AFTER INITIAL CONGRESSIONAL CONSULTATIONS, IS NOT
AUTHORIZED TO MAKE A FINAL OFFER BUT ONLY TO MAKE A
TECHNICAL REVIEW PRIOR TO FURTHER DISCUSSIONS.

(2) COMPENSATION: IN VIEW OF CONGRESSIONAL
OPPOSITION TO A MULTI-YEAR ASSISTANCE PACKAGE, WE NEED

TO DEVELOP A SPECIAL APPROACH. WE SUGGEST REVISION OF THE MILITARY BASES AGREEMENT AND A SEPARATE EXCHANGE OF LETTERS BETWEEN THE AMBASSADOR AND GOP INDICATING OUR "GOOD FAITH" EFFORT TO SEEK FROM CONGRESS A GIVEN AMOUNT OF ASSISTANCE EACH YEAR. THE PRESIDENT WOULD BE PREPARED TO RECOMMEND A "FRONT LOADING" OF THE PACKAGE WHICH WOULD PROVIDE A RELATIVELY GREATER PORTION IN THE FIRST YEAR.

(3) FORM OF AGREEMENT: ON THE QUESTION OF WHETHER WE SHOULD AMEND THE PRESENT MBA OR WRITE A NEW ONE, MARCOS REPLIED THAT IT WOULD NOT MAKE MUCH DIFFERENCE. HE HAD CONVINCED PEOPLE THAT THE BASES WILL

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REMAIN AND THAT THE GOP HAD MAINTAINED ITS POSITION ON SOVEREIGNTY. HE ASKED IF WE COULD MOVE RIGHT AWAY ON THE BASE COMMANDER.

(4) TIMING OF AGREEMENT: WE COULD MOVE NOW ON THE QUESTION OF THE BASE COMMANDER AND THE RELATED ISSUES OF THE DELIMITATION OF AREAS, PERIMETER SECURITY AND CRIMINAL JURISDICTION THROUGH AN AMENDMENT TO THE MBA. UNDER THE CASE AMENDMENT WE WOULD HAVE TO REPORT THIS TO CONGRESS. THE PROBLEM IS COMPENSATION--WHETHER THE GOP WOULD BE WILLING TO SIGN AN AGREEMENT IMMEDIATE ISSUES LEAVING COMPENSATION UNTIL LATER.

(5) ECONOMIC ASPECTS: WE ARE EXAMINING THE QUESTION ABOUT ECONOMIC ASSISTANCE IN DEALING WITH THE PROBLEMS OF THE CITIES AROUND THE BASES AND HOPE THE GOP WILL DIRECT ITS PROPOSALS IN THIS REGARD TO THE AID OFFICIALS ARRIVING NEXT WEEK.

(6) DURATION: THIS ISSUE WAS ADDED BY ENRILE. THE GOP FOUND THE US PROPOSAL Z LINK THE MDT AND THE MBA UNACCEPTABLE AND SUGGESTED THAT WE RETAIN THE 1991 EXPIRATION FSTE WITH REVIEW EVERY FIVE YEARS. THE US SIDE DPRESSED ITS EXPECTATION THAT THIS WOULD BE ACCEPTABLE. THE SESSION CLOSED WITH MARCOS PROMISING TO LOOK INTO INFILTRATION AND THEFT AT THE BASES IFZTHE LIGHT OF THE RECENT KILLING OF A US AIRMAN AT CLARK.

4. US SECURITY BRIEFING ALSO 9 JANUARY WAS ATTENDED BY FOLLOWING: MARCOS, ENRILE, MENDGBA, ROMULO, ROMUALDEZ, ESPINO, MANIPULA, BOCANEGRAS, ABAD SANTOS, HOLRBOOKE, NEWSOM, WEISNER, ABRAMOWITZ AND ARMACOST. MARCOS' ASKED A SERIES OF QUESTIONS ABOUT STRATEGIC DEFENSE OF THE

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PHILIPPINES.

SOVIET-CHINESE RELATIONS; JAPANESE DEFENSE PLANS: STRENGTH ESTIMATES FOR CHINA AND VIETNAM; VIETNAMESE SUPPORT FOR INSURGENCIES AND VIETNAMESE RELATIONS WITH ASEAN.

5. FOLLOWING LUNCH ATTENDED BY ALL US AND PHIL PARTICIPANTS MARCOS SUGGESTED SHORT RECESS PRIOR TO PARTICIPANTS ORGANIZING WORKING GROUPS IN CRIMINAL JURISDICTION AND ON ROLE OF THE PHILIPPINE BASE COMMANDER.

ROMULO RETURNED SHORTLY AFTER TO REPORT PHIPP REQUIRED LONGER RECESS. ONE AND A HALF HOURS LATER PRINCIPALS ENTERED INTO RENEWED TALKS WITH MARCOS WHILE WORKING GROUPS CONVENED. FOLLOWING ISSUES WERE DISCUSSED AT PRINCIPALS' MEETING:

(1) PROCEDURE: MARCOS SAID GOP COULD NOT DECIDE ON "BEST EFFORT" LETTER APPROACH UNTIL WE MAKE PROGRESS ON OTHER ISSUES TO WHICH ENRILE ADDED PROBLEM OF COSTS TO GOP OF ADMINISTRATION OF THE BASES AND PROVIDING PERIMETER SECURITY. HOLBROOKE NOTED TWO CHOICES: QUICK IMPLEMENTATION OF NEW ARRANGEMENTS AT THE BASES OR MUCH MORE LENGTHY SIMULTANEOUS RESOLUTION OF THE COMPENSATION ISSUE. AFTER SOME DISCUSSION INDICATING POSSIBLE GOP FLEXIBILITY ON SEPARATION OF COMPENSATION PACKAGE MARCOS SAID "WHEN YOU GIVE US A LISTING OF THE EQUIPMENT IT WILL THEN BE POSSIBLE TO DETERMINE IF WE CAN GO FORWARD ON THE BASIS OF A FULL FAITH LETTER."

(2) MULTI-YEAR COMMITMENT: US SIDE EXPLAINED WHY CONGRESS SIMPLY WAS NOT GOING TO AGREE TO ANY FURTHER MULTI-YEAR COMMITMENTS. ENRILE NOTED THAT IT WOULD HELP IF THE US COULD ASSURE THE GOP THAT IF THE TURKISH AGREEMENT WERE TO PASS THE US WOULD BE PREPARED TO REOPEN DISCUSSIONS ON THE NATURE OF OUR AGREEMENT.

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(3) TIMING: HOLBROOKE REMINDED GOP THAT WE HAVE AGREEMENT UNTIL 1991 AND COULD DRAG OUT NEGOTIATIONS INDEFINITELY IF GOP PREFERS BUT THAT HE HOPED THAT HE COULD WORK OUT A STABLE BASIS FOR THE RELATIONSHIP WITHIN THE NEXT FEW MONTHS--DEPENDENT ON A MAJOR BREAK-THROUGH IN THE HUMAN RIGHTS FIELD.

(4) ELECTIONS: AFTER ALL PARTICIPANTS EXCEPT MARCOS, HOLBROOKE AND NEWSOM WITHDREW TO PANELS, MARCOS EXPLAINED DIFFERENCE WITHIN GOP ON WHETHER TO MOVE FORWARD ON BASES NOW OR WAIT. ENRILE, MENDOZA AND OTHER WOULD BE CANDIDATES IN PLANNED ELECTION. THEY ARE CONCERNED THAT EMOTIONAL ISSUES MIGHT STRENGTHEN WEEK OPPOSITION. ENRILE WAS PARTICULARLY TROUBLED ABOUT LABOR UNIONS WHICH HE THINKS WILL EXPLODE. MARCOS SAID HE BELIEVED IT WOULD BE BETTER TO GO FORWARD WITH AN AGREEMENT NOW, ESPECIALLY BECAUSE HE IS WORRIED ABOUT ECONOMIC SITUATION, BUT THAT IT WAS SOMETHING THE GOP WOULD HAVE TO WORK OUT AND LET US KNOW FOLLOWING DAY. HOLBROOKE CONFIRMED THAT WE WOULD RECEIVE RESPONSE ON ISSUES OF TIMING AND OF SPLIT BETWEEN COMPENSATION AND OTHER ISSUES FOLLOWING DAY.

6. WORKING GROUP ON BASE DELIMITATION MET SEPARATELY. ENRILE AGREED WITH THE USG MAP DELINEATION PROPOSALS SUBMITTED IN NOVEMBER 1977 WITH THE FOLLOWING EXCEPTIONS:

(1) CLARK. AT CROW VALLEY, THE AFP WILL "ADMINISTER" THE BOMBING AND GUNNERY RANGE WITH THE UNDERSTANDING THAT THE RANGE "WILL BE MAINTAINED, OPERATED AND USED" BY 13TH AIR FORCE. HE ADDED LATER THAT THE RANGE WILL BE USED BY PHILIPPINE AND US FORCES. MAJOR SECRET

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GENERAL POSTON ASKED FOR A DEFINITION OF THE TERM "ADMINISTER". WITHOUT ANSWERING DIRECTLY, ESPINO SAID THERE WAS NO INTENTION TO DISTURB PRESENT ARRANGEMENTS. AT THE 4, "70 HECTARE MAIN BASE AREA IN ZONE A, THE AFP WILL NEED 500 HECTARES FOR ITS ADMINISTRATIVE AND SECURITY PEOPLE. ENRILE NOTED THAT THE GOP WILL GRANT THE LAND CURRENTLY USED FOR THE USAF AND US NAVY COMMUNICATION FACILITIES IN ZONE B AND THAT CONTINUED USE OF THE STATE DEPARTMENT REGIONAL RADIO FACILITIES AT CLARK CAN BE COVERED BY SEPARATE EXCHANGE OF DIPLOMATIC NOTES. HE ALSO CONFIRMED THAT THE SMALL RADAR SITE AND ACCESS ROAD IN ZONE D WILL BE GRANTED TO THE USAF.

(2) SUBIC. ENRILE SAID THAT THE AFP REQUIRES THE FOLLOWING AT SUBIC.

(1) HARBOR WATERS. THE GOP NEEDS ALL THE HARBOR WATERS INCLUDING GRANDE ISLAND. THE GOP WILL GUARANTEE THE US NAVY FREEDOM OF PASSAGE AND ANCHORAGES. REAR ADMIRAL HARDISTY NOTED THE POTENTIAL FOR SECURITY PROBLEMS. ENRILE STRESSED THAT "WE WILL

NEVER HAMPER YOUR ACTIVITIES."

(B) WATERSHED. THE GOP WOULD LIKE TO TAKE OVER THE CONTROL AND MANAGEMENT OF THE ENTIRE WATERSHED AREA. THE QUESTION OF A JOINT MANAGEMENT PLAN WAS RAISED; ENRILE ACKNOWLEDGED THAT THAT MIGHT BE FEASIBLE. MARCOS AGREED THAT A MANAGEMENT/CONVERSATION PLAN WAS NEEDED AND SUGGESTED THAT SPECIAL FINANCING MIGHT BE REQUIRED.

(C) MAIN BASE. THE AFP WILL NEED 200 TO 300 BECTARES IN THE 6,000 HECTARE MAIN BASE AREA FOR ITS ADMINISTRATIVE AND SECURITY PEOPLE. HARDISTY RAISED THE CONCEPT OF PLACING THE ADJACENT

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TRAINING AND IMPACT AREAS WITHIN THE SUBIC RESERVATION. MARCOS AND ENRILE AGREED IN PRINCIPLE.

(3) OTHER INSTALLATIONS: ENRILE SAID THAT SINCE MAPS HAVE ONLY BEEN PROVIDED BY USG ON CLARK AND SUBIC, IT WAS ASSUMED THAT SAN MIGUEL, WALLACE AND JOHN HAY WOULD BE RELINQUISHED. IT WAS POINTED OUT THAT MAPS AND PROPOSALS WERE BEING PREPARED FOR THESE BASES FOLLOWING THE PRINCIPLES USED TO DEVELOP THE DELINEATED MAPS OF CLARK AND SUBIC. THE GOP LATER ACCEPTED THIS APPROACH.

UPON OUR REQUEST FOR WRITTEN PROPOSALS ON THESE VARIOUS MATTERS, MARCOS ASKED ENRILE AND ESPINO TO PASS OVER THE WORKING DOCUMENTS THEY HAD USED IN MAKING THE GOP PRESENTATION. (LATER ANALYSIS REVEALED THAT THE ORAL PRESENTATION WAS MORE FLEZIBLE AND FORTHCOMING THAN THESE DOCUMENTS.) IN THE LATTER PART OF THE DISCUSSION ON BASE DELIMITATION AND THE PHILIPPINE BASE COMMANDER, ENRILE SAID THE GOP WOULD EXPECT USG HELP IN MEETING COSTS OF MAINTAINING PERIMETER SECURITY. HOLBROOKE SUGGESTED THAT THIS WAS A QUESTION TO BE WORKED OUT LATER BETWEEN THE PHILIPPINE AND US COMMANDERS. WEISNER ADDED THAT THE IDEA WOULD NEED CAREFUL STUDY. MARCOS OBSERVED THAT HE HAD BEEN TOLD THAT THE MDB MIGHT WORK OUT APPROPRIATE ARRANGEMENTS. AT THE CONCLUSION OF THE SESSION, NEWSOM SUMMED UP THE MOST IMMEDIATELY IDENTIFIABLE ISSUES AS FOLLOWS:

- (1) SUBIC HARBOR WATERS
- (2) DUTIES AND TASKS OF THE PHILIPPINE BASE COMMANDER
- (3) REIMBURSEMENT FOR PHILIPPINE COSTS FOR

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PERIMETER SECURITY

(4) CROW VALLEY

(5) SAN MIGUEL WALLACE AND JOHN HAY

AMBASSADOR NOTED THAT THE OMISSION FROM THE INITIAL LIST OF ANY ISSUE SHOULD NOT MEAN THAT IT MIGHT NOT LATER BE RAISED.

7. CRIMINAL JURISDICTION WORKING GROUP WITH MENDOZA AND ABAD-SANTOS ON GOP SIDE MET SEPARATELY AND THEN COVERED SAME GROUND IN COMBINED MEETING. ISSUES WERE (1) ULTIMATE DETERMINATION: MENDOZA REITERATED GOP PROPOSAL THAT PHILIPPINE COURT MAKE ULTIMATE DETERMINATION OF OFFICIAL DUTY. HE REJECTED US PROPOSAL AS BEING RETROGRESSION FROM A 1976 WORKING GROUP PAPER WHICH DID NOT SPECIFICALLY STATE THAT IF SIDES FAILED TO REACH AGREEMENT US WOULD BE FREE TO DISPOSE OF CASE. US SIDE EMPHASIZED SMALL NUMBER OF CASES INVOLVED AND CONSTRAINTS OF NATO FORMULA WITHIN WHICH WE WOULD BE AS FLEXIBLE AS POSSIBLE.

(2) CONCURRENT JURISDICTION: MENDOZA AND ABAD-SANTOS ARGUED THAT WERE US ISSUED OFFICIAL DUTY CERTIFICATE AND THEN DID NOT DETERMINE THAT A PRIMA FACIE CASE EXISTED FOR PROSECURING THE CASE UNDER US LAW, IT WAS FAILING TO EXERCISE ITS JURISDICTION. THEREFORE JURISDICTION SHOULD REVERT TO THE GOP. AT ONE POINT THEY STATED THAT IT IS MORE IMPORTANT THAT THERE BE PROSECUTION THAN WHO PROSECUTES. US SIDE STATED IMPOSSIBILITY OF ESTABLISHING PROCEDURE FOR TRIAL OF CASES WHERE NO PRIMA FACIE CASE EXISTED AND POINTED OUT VIOLATION OF "DUE PROCESS" RIGHTS OF THE INDIVIDUAL CONCERNED.

(3) CLAIMS: ABAD-SANTO ASKED IF THE US WOULD PLACE ON HOLD ANY INDIVIDUAL SUBJECT TO A CIVIL SUIT FOR AN INCIDENT FOR WHICH WE HAD ASSERTED OFFICIAL DUTY. US REPLIED WE WOULD NOT BUT THAT AGGRIEVED INDIVIDUAL COULD

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PURSUE MATTER WITH USG UNDER US FOREIGN CLAIMS ACT. GOP REP PURSUED THIS WITH QUESTION WHETHER A PHILIPPINE LAWYER COULD PARTICIPATE IN FOREIGN CLAIMS PROCEDURE. US SIDE EXPLAINED ADMINISTRATIVE PROCESS.

(4) RESOLUTION: MENDOZA ASSERTED THAT THE US POSITION WAS INFLEXIBLE AND THAT THE US POSITION WOULD HAVE TO BE EXAMINED IN THE LIGHT OF THE OVERALL

AGREEMENT.

8. EMPHASIZING THAT ALL US COMMENTS WERE AD REFERENDUM,
US PRINCIPALS RAISED FOLLOWING ISSUES WITH GOP PRINCIPALS

MORNING OF JANUARY 10:

(1) DUTIES OF BASE COMMANDER: WEISNER AND HOLBROOKE NOTED THAT PAPER PRESENTED BY GOP ON BASE COMMANDER PREVIOUS DAY WAS INCONSISTENT WITH PHILIPPINE AGREEMENT FACILITIES WOULD BE UNDER THE FULL CONTROL OF US COMMANDER. ENRILE AND MARCOS AGREED THAT THE GOP WORKING PAPER CAUSED PROBLEMS AND THAT THEY HAD NO INTENTION OF HAVING US COMMANDER RECEIVE ORDERS FROM ELSEWHERE. MARCOS SUGGESTED THAT A PANEL CONSISTING OF ENRILE, ESPINO, ROMUALDEZ AND NEWSOM WORK OUT ANY DIFFICULTIES REMAINING AFTER THE PROVISION OF A REVISED PHILIPPINE PROPOSAL (NEVER PRESENTED).

(2) CROW VALLEY: WEISNER NOTED SIMILAR INCONSISTENCY TO WHICH MARCOS REPLIED THAT US RESPONSIBILITIES ARE TO MAINTAIN, OPERATE AND USE THE RANGE. ENRILE EXPLAINED THAT BY PHILIPPINE ADMINISTRATION THEY MEANT THEY WILL TAKE CARE OF SECURITY, EXCEPT FOR PHYSICAL FACILITIES IN ORDER TO REDUCE CONFRONTATION. US REPS STATED UNDERSTANDING THAT US FORCES WOULD CONTROL OPERATION AND ALLOCATION OF TIME AT THE RANGE.

(3) WATERS OF SUBIC BAY/GRANDE ISLAND. WEISNER
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EXPLAINED US REQUIREMENT FOR WATERS AROUND THE MAGAZINE AND PIERS AND FOR GRANDE ISLAND. ENRILE REPLIED THAT GOP COULD NOT GIVE ON THIS POINT BECAUSE OF NEED TO DEMONSTRATE SOVEREIGNTY OVER WATERS AND WAS UNMOVED BY US ARGUMENT THAT EVERYTHING AT BASE IS UNDER PHILIP- PINE SOVEREIGNTY. ENRILE STATED THEY WISHED TO AVOID EXCLUSIVE US USE AND THAT USES MUST BE WORKED OUT THROUGH THE COORDINATION OF THE TWO COMMANDERS. THE MATTER WAS LEFT UNRESOLVED.

(4) SUBIC WATERSHED: WEISNER REFERRED TO JOINT MANAGEMENT PLAN FOR THE WATERSHED AND THE USE AGREED TO TAKE A LOOK AT A GOP PROPOSAL WHICH WOULD INCORPORATE THIS PRINCIPLE (SEPTEL).

(5) JOHN HAY, SAN MPGUEL ANBHWALLACE: THE US PROMISED EXPEDITIOUS DELIVERY OF ITS PROPOSALS FOR THESE FACILITIES FOLLOWING THE SAME PRINCIPLE USED AT CLARK AND SUBIC.

(6) VOA AND STATE COMMUNICATIONS FACILITIES: NEWSOM PROPOSED EXCHANGE OF NOTES ON THIS SUBJECT AND, AFTER DEMURRAL BY ROMUALDEZ, MARCOS ACCEPTED THE PROPOSAL.

(7) REIMBURSEMENT FOR PERIMETER SECURITY: US WOULD TREAT QUESTION AS PART OF OVERALL APPROACH TO

COMPENSATION SINCE FUNDING WILL REQUIRE CONGRESSIONAL APPROVAL.

(8) FORM OF AGREEMENT: IN RESPONSE TO US INDICATION THAT AGREEMENT ON BASE ISSUES LISTED ABOVE PLUS CRIMINAL JURISDICTION COULD BE ACCELERATED IF SEPARATE FROM COMPENSATION, MARCOS SAID THE GOP WAS READY TO DISCUSS THE CONCEPT. MARCOS SUGGESTED SETTING ASIDE CRIMINAL JURISDICTION IN ORDER TO PROCEED TO IMPLEMENTATION OF "PHASE A" CONSISTING OF AGREEMENT ON THE AREA TO BE USED BY THE US, AUTHORITY OF THE PHILIPPINE BASE COMMANDER, AMOUNT OF REIMBURSABLE COSTS AND, AFTER THE LIST OF EQUIPMENT HAS BEEN REVIEWED, A US INDICATION OF THE EQUIPMENT AND ASSISTANCE WE INTEND TO PRESENT TO CONGRESS.

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(9) COMPENSATION: PRESSED BY THE US, THE GOP SPECIFIED ITS COMPENSATION CONCEPT CONSISTED OF:

(A) AN INDICATION OF THE ORDER OF MAGNITUDE NOT NECESSARILY THE FINAL FIGURE, OF US ASSISTANCE PRIOR TO ANY AGREEMENT.

(B) CONTINUING DISCUSSION AFTER THE ISSUES OF SOVEREIGNTY ARE TAKEN CARE OF.

(C) PROVISION FOR REOPENING THE QUESTION IF THE MULTI-YEAR COMMITMENT UNDER THE TURKISH AGREEMENT PASSES.

ABRAMOWITZ INDICATED THAT THE EQUIPMENT SURVEY TEAM WOULD ARRIVE BY THE FIRST WEEK IN FEBRUARY AND PROBABLY COMPLETE ITS ASSESSMENT WITHIN TWO WEEKS TO BE FOLLOWED BY MORE CONGRESSIONAL CONSULTATIONS SO THAT AN ORDER OF MAGNITUDE COULD BE READY BY THE FIRST WEEK OF MARCH.

(10) DURATION: FOLLOWING REPEATED ATTEMPTS BY ROMUALDEZ TO INTRODUCE A FIVE-YEAR RENEWABLE AGREEMENT THE FOLLOWING AD REFERENDUM AGREEMENT ON DURATION WAS REACHED: "IN EVERY FIFTH ANNIVERSARY YEAR FROM THE DATE OF THIS MODIFICATION AND UNTIL THE TERMINATION OF THE AGREEMENT THERE SHALL BE BEGUN AND COMPLETED A COMPLETE AND THOROUGH REVIEW AND REASSESSMENT OF THE AGREEMENT INCLUDING ITS OBJECTIVE, ITS PROVISIONS, ITS DURATION AND THE MANNER OF IMPLEMENTATION TO ASSURE THAT THE AGREEMENT CONTINUE TO SERVE THE MUTUAL INTERESTS OF BOTH PARTIES."

(11) CRIMINAL JURISDICTION: HOLBROOKE SUGGESTED WE COULD EITHER RESOLVE OR SET ASIDE THE CRIMINAL JURISDICTION ISSUE. MARCOS REPLIED THAT WE SHOULD FIRST WORK OUT THE PHASE A AMENDMENTS ON SOVEREIGNTY.

(12) OTHER ISSUES: MARCOS EXPLICITLY AGREED WITH HOLBROOKE AND NEWSOM THAT OTHER ISSUES SUCH AS LABOR

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SHOULD NOT BE INTRODUCED INTO THE PRESENT DISCUSSIONS.

(13) TIMETABLE: WHILE THE AMERICAN SIDE INDICATED
DIFFICULTY IN MAKING FIRM COMMITMENT TO TIMETABLE, FOLLOWING
WAS AGREED:

(A) US WILL PRESENT PROPOSALS AND MAPS ON
WALLACE, JOHN HAY AND SAN MIGUEL AS SOON AS WASHINGTON
AND COMMAND REVIEW IS COMPLETE.

(B) US WILL PREPARE DRAFT AMENDMENTS TO
THE MBA ON SOVEREIGNTY ISSUES FOR DISCUSSION WITH GOP
BY END OF JANUARY FOLLOWING WASHINGTTON AND COMMAND
REVIEW.

(C) EQUIPMENT TEAM WILL ARRIVE BY BEGINNING
OF FEBRUARY AND COMPLETE ITS WORK BY MID-FEBRUARY TO
BE FOLLOWED BY CONGRESSIONAL CONSULTATIONS AND
US PRESENTATION OF ORDER OF MAGNITUDE OF MILITARY (AND
PERHAPS ECONOMIC) ASSISTANCE.

(D) IF, AND US EMPHASIZED ONLY IF, FINAL
AGREEMENT ON PHASE A APPEARED LIKELY, THEN US
PRINCIPALS WOULD RETURN IN EARLY MARCH TO COMPLETE
NEGOTIATION OF AMENDMENT ON SOVEREIGNTY ISSUES.

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